

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

## **DEFENDANT'S PRETRIAL DISCLOSURES**

Defendant Swiftships Shipbuilders, LLC (“Swiftships”), by and through undersigned counsel and pursuant to this Court’s April 9, 2010 Order and Rule 26(a)(3) of the Federal Rules of Civil Procedure, hereby submits its pretrial disclosures:

## **I. Witness List**

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Jeffrey LeLeux

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Director, Defense Security Cooperation Agency  
2800 Defense Pentagon  
Washington, DC 20301

In addition to the foregoing, Swiftships reserves the right to call any witness identified on Plaintiff's Witness List or subpoenaed or called by Plaintiff at Trial. Swiftships further reserves the right to call for rebuttal and/or impeachment purposes witnesses not identified on this list.

## **II. Deposition Designations**

Swiftships states that it does not expect to present any testimony by deposition at this time. Swiftships reserves the right to present witness testimony by deposition in the event any witness who was deposed in this matter becomes unavailable.

## **III. Exhibit List**

<b>Exhibit</b>	<b>Date</b>	<b>Description</b>	<b>Bates No.<sup>1</sup></b>	<b>Dep. Exhibit No.<sup>2</sup></b>
1	6/15/05	Contract between Lion Associates, LLC and	L 908	JL-4

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<sup>1</sup> The prefix "L" refers to documents produced by Plaintiff Lion Associates, LLC, with the Bates Number prefix "LION." The prefix "SS" refers to documents produced by Defendant Swiftships Shipbuilders, LLC, with the Bates Number prefix "Swiftships-."

<sup>2</sup> The prefix "JL" refers to exhibits used during the deposition of Admiral James Lyons; the prefix "CL" refers to exhibits used during the deposition of Calvin LeLeux.

		D'Arcinoff Group, Inc.		
2	8/25/06	Response to Iraqi Coastal Patrol Boat Inquiry, Ref: N0002406R2276.	SS 230-234	
3	3/1/07	Contract between Lion Associates, LLC and Powered Corp.		JL-5
4	12/15/07	Contract between Lion Associates, LLC and Eracent, Inc.	L 909, 922	JL-3
5	2/15/08	Contract between Lion Associates, LLC and A. Louis Associates, Corp.	L 906	JL-2
6	2/20/09	Contract between Lion Associates, LLC and CNC Metalworks, Inc.		JL-9
7	2/21/08	Contract between Lion Associates, LLC and Northeast Maritime Inst., Inc.		JL-6
8	9/19/08	Contract between Lion Associates, LLC and GWU Medical Faculty Associates.		JL-7
9	11/19/08	NAVSEA Solicitation No. N0002409R2216.	SS 162-165	JL-11
10	12/1/08	Response to Iraqi Coastal Patrol Boat Inquiry, Ref: N0002409R2216.	SS 235-239	
11	2/1/09	Contract between Lion Associates, LLC and MARCOR Remediation, Inc.		JL-8
12	2/13/09	NAVSEA reissue Solicitation No. N0002409R2216.	SS 43-48	JL-12
13	2/25/09	Response to Iraqi Coastal Patrol Boat Inquiry Reissue, Ref: N0002409R2216.		JL-13
14	4/13/09	E-mail from J. Lyons to F. Gill seeking telephone call.	SS 5	JL-14
15	4/13/09	E-mail from F. Gill to L. Hassan re: meeting with J. Lyons.	SS 6	
16	4/13/09	E-mail from J. Lyons to F. Gill enclosing initial Agreement and invoice for April 2009.	L 313-315	JL-15
17	4/14/09	E-mail from F. Gill to L. Hassan recommending hiring ADM Lyons and that the 3% clause did not apply to Iraqi Navy Contract.	SS 175-176	JL-16
18	4/16/09	E-mail string from F. Gill to J. Lyons re: C. LeLeux wanting to talk with ADM Lyons	L 95	
19	4/16/09	E-mail from F. Gill to Swiftships management asking that C. LeLeux call J. Lyons	SS 9	
20	4/17/09	E-mail from C. LeLeux to J. Lyons enclosing issue paper.	L 134-136	JL-17; CL-7
21	4/27/09	E-mail from F. Gill to C. LeLeux enclosing initial Agreement sent from A. Lyons.	SS 13-15	
22	4/29/09	E-mail from J. Lyons to F. Gill enclosing May invoice.	L 309-310	
23	5/1/09	E-mail from K. Burnette to F. Gill enclosing	SS 240-244	

		copy of the Agreement signed by C. LeLeux		
24	5/1/09	E-mail string from C. LeLeux to J. Lyons enclosing correspondence with D. Dallhoff.	L 306-307	JL-20
25	5/2/09	E-mail string from F. Gill to J. Lyons re: update from R. Schissell.	L 90-93	JL-21; CL-6
26	5/4/09	E-mail string from F. Gill to J. Lyons re: additional update from R. Schissell.	L 87-89	JL-22
27	5/4/09	E-mail from J. Lyons to F. Gill re: additional update from R. Schissell.	L 305	
28	5/5/09	E-mail from F. Gill to J. Lyons enclosing edits to draft e-mail to W. Landay.	SS 18-19	JL-23
29	5/5/09	E-mail string from F. Gill to J. Lyons re: MinDef Meeting.	L 82-86	JL-24
30	5/5/09	E-mail from F. Gill to C. LeLeux seeking draft letter to W. Landay.	SS 184	
31	5/5/09	E-mail from F. Gill to J. Lyons enclosing draft letter to W. Landay.	L 77-79	JL-27
32	5/5/09	E-mail from J. Lyons to W. Landay re: Patrol Craft.	L 304	JL-25
33	5/5/09	E-mail from F. Gill to J. Lyons re: update from R. Schissell.	L 80-81	JL-26
34	5/6/09	E-mail from W. Landay to J. Lyons re: Patrol Craft.	L 115	JL-28
35	5/6/09	E-mail from F. Gill to J. Lyons re: draft e-mail to W. Landay and update from R. Schissell.	L 71-74	JL-29
36	5/6/09	E-mail from J. Lyons to W. Landay providing update on patrol craft availability	L 302-303	JL-30
37	5/6/09	E-mail from F. Gill to J. Lyons re: additional updates from R. Schissell	L 65-69	JL-31
38	5/7/09	E-mail exchange between J. Lyons and W. Landay re: patrol craft availability.	L 116	JL-32
39	5/8/09	E-mail from F. Gill to J. Lyons forwarding updated information from R. Schissell.	L 61-62	JL-33
40	5/8/09	E-mail from F. Gill to J. Lyons forwarding additional information from R. Schissell.	L 59	JL-34
41	5/8/09	E-mail from F. Gill to J. Lyons forwarding additional information from R. Schissell.	L 57-58	JL-35
42	5/10/09	E-mail from F. Gill to J. Lyons forwarding communications between J. LeLeux and R. Schissell.	L 52-56	JL-36
43	5/10/09	E-mail from F. Gill to J. Lyons forwarding information concerning Kuwait events.	L 46-51	JL-37
44	5/10/08	E-mail from F. Gill to J. Lyons re: NAVSEA wanting to break up the possible shipbuilding contract.	L 38-45	JL-38

45	5/11/09	E-mail from F. Gill to J. Lyons containing proposed e-mail to W. Landay.	L 37	JL-39
46	5/11/09	E-mail from J. Lyons to W. Landay concerning Swiftships' financial situation and NAVSEA's wanting to split up the shipbuilding contract.	L 297	JL-40
47	5/11/09	E-mail from F. Gill to J. Lyons forwarding information from R. Schissell.	L 35-36	JL-41
48	5/11/09	E-mail from J. Lyons to W. Landay informing Landay of the 1430 telephone conference.	L 296	JL-42
49	5/21/09	E-mail from J. Lyons to F. Gill and C. LeLeux forwarding planned e-mail to W. Landay.	SS 32	
50	5/21/09	E-mail from J. Lyons to F. Gill and C. LeLeux forwarding e-mail sent to W. Landay.	L 288	JL-45
51	5/24/09	E-mail from W. Landay to J. Lyons re: Patrol Craft.	L 118	JL-46
52	6/9/09	E-mail from J. Lyons to F. Gill inquiring about the signed agreement from ICS Nett.	SS 38	
53	6/15/09	Contract between Lion Associates, LLC and ICS Nett, Inc.		JL-10
54	6/16/09	E-mail from J. Lyons to F. Gill enclosing invoice to ICS Nett.	SS 39-40	
55	7/27/09	E-mails from J. Lyons to J. Holloway re: briefing.	L 277, 275-276	JL-51
56	8/8/09	E-mail from J. Lyons to C. LeLeux seeking input.	L 271	
57	8/10/09	E-mail from F. Gill to J. Lyons enclosing talking points for meeting with W. Landay.	L 23-24	JL-53
58	9/25/09	Contract No. N00024-09-C-2256.	SS 49-161	CL-4
59	9/30/09	Contract No. N61339-09-C-0034.	SS 194-219	
60	11/15/09	E-mail from L. Hassan to J. Lyons re: Shipyards.	L 107-108	JL-54
61	11/25/09	E-mail from G. Peterson enclosing list of visitors to Swiftships for meeting with the Iraqi Delegation.	L 144-147	
62	12/2/09	E-mail from J. Lyons to L. Hassan re: Iraqi Delegation visit.	L 201-202	JL-55
63	12/9/09	E-mail from J. Lyons to R. Harmala re: Update.	L 199	JL-56
64	12/14/09	E-mail exchange between J. Lyons and F. Gill re: Update telephone call.	L 21	JL 57

65	12/14/09	E-mail from F. Gill to J. Lyons re: no updated news.	L 20	JL-58
66	12/16/09	E-mail from J. Lyons to F. Gill re: not hearing anything from Calvin.	L 197	
67	12/16/09	E-mail exchange between F. Gill and J. Lyons re: call with Calvin.	L 19	
68	12/17/09	E-mail from J. Lyons to F. Gill re: resolving issues.	L 100	
69	12/17/09	E-mail exchange between R. Harmala and J. Lyons re: Success Fee.	L 98	JL-59
70	12/23/09	E-mail from J. Lyons to R. Harmala re: voicemail.	L 188	JL-60
71	2/3/10	E-mail from J. Lyons to L. Hassan re: BAE Shipyards.	L 172-173	JL-61
72	3/2/10	E-mail from L. Devaux to H. Askari re: payment of March invoice.	L 166	
73	Various	E-mails from J. Lyons enclosing invoices for June – December 2009, and January – April 2010.	SS 34-35; L 284-285; L 278-279; L 257-258; L 252-253; L 240-241; L 226-227; L 185-186; L 177-178; L 170, 17; L 162-163	
74	Various	Plaintiff's produced telephone records	L 316-904	
75	8/30/10	Plaintiff's Supplemental Responses to Defendant's First Set of Requests for Admission.		
76	Various	Individual telephone records for Faisal Gill.		
77	Various	Individual telephone records for Calvin LeLeux.		

In addition, Swiftships reserves the right to identify and use any documents or exhibits identified on Plaintiff's Exhibit List and/or used by Plaintiff, including documents filed by Plaintiff with the Court throughout this litigation, and demonstrative exhibits to be determined. Swiftships reserves the right to use additional documents not herein identified for impeachment

and/or rebuttal purposes.

/s/

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Counsel for Defendant Swiftships Shipbuilders,  
LLC

Date: September 14, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of September, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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